



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re
Application of: **James N. Usko, et al.**

Reissue
Application No.: **10/013,988** Examiner: **E. Solis**

Filed: **December 13, 2001** Group Art Unit: **3747**

For: **MULTI-CYCLE, ENGINE BRAKING WITH POSITIVE POWER VALVE
ACTUATION CONTROL SYSTEM AND PROCESS FOR USING THE
SAME**

Attorney Docket No.: **34090-06263**

Supplemental Reissue Application Declaration By the Inventors

The Honorable Commissioner
of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

As a below named inventor of the subject matter disclosed and claimed in U.S. Patent No. 6,000,374 and the applicant for reissue thereof, I hereby declare that:

1. My residence, mailing address and citizenship are stated below next to my name.
2. I believe that I am an original, first, and joint inventor of the subject matter which is described and claimed in U.S. Patent No. 6,000,374, granted December 14, 1999, and for which a reissue patent is sought.
3. I have reviewed and understand the contents of the specification of the above-referenced application for reissue, including the amendments to the specification and claims as outlined in the Preliminary Amendment, and the drawings as amended, canceled, and added in the Request for Approval of Drawing Corrections, as originally filed on December 13, 2001. I have reviewed and understand the contents of the Amendment and Response submitted herewith.

4. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 (a).

5. On information and belief, original U.S. Patent No. 6,000,374 is partly inoperative by reason of the original patent claiming less than I had a right to claim in the patent. The claims have been changed by adding Claims 22-50. The subject matter of Claims 22-50 was inadvertently not incorporated into the Claims of the original patent. In particular, the original claims did not recite: an assembly and an engine valve actuation system having an hydraulic lash adjuster and/or first and second hydraulic lash adjusters as recited in Claims 22, 28, and 40. and a method including the steps of providing hydraulic fluid to a lash adjuster and/or first and second lash adjusters as recited in Claims 27 and 48. As such, the present reissue application seeks to broaden the scope of the claims of the original patent within two years from the grant of the original patent, pursuant 35 U.S.C. § 251. No new matter is introduced.

6. On information and belief, U.S. Patent No. 6,000,374 is partly inoperative by reason of a defective specification and drawings. In particular, the paragraphs and Figures of U.S. Patent No. 6,000,374 amended in the Preliminary Amendment and Request for Approval of Drawing corrections filed December 13, 2001 include typographical and other inadvertent errors. These amendments to the specification and drawings are necessary to correct errors inadvertently incorporated into the original patent. No new matter is introduced.

7. All errors corrected in this reissue application arose without any deceptive intention on the part of the applicants.

8. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: David R. Yohannan, Reg. No. 37,480; Christopher M. Tobin, Reg. No. 40,290; John N. Coulby, Reg. No. 43,565; Mark W. Rysiel, Reg. No. 45,871; Michael S. Kerns, Reg. No. 51,233; and Greg Murphy, Reg. No. 52,494.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

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